

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

☐ Valuation of Security ☐ Assumption of Executory Contract or Unexpired Lease ☐ Lien Avoidance

Last revised: September 1, 2018

UNITED STATES BANKRUPTCY COURT
District of New Jersey

In Re: **Sujay K. Sinha**

Case No.: **19-11506SLM**

Judge: **Hon. Stacey L. Meisel**

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS

☐ Original
☐ Motions Included

☒ Modified/Notice Required
☐ Modified/No Notice Required

Date: **July 15, 2020**

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. *Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.*

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE

SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney /s/RIL Initial Debtor: /s/SKS Initial Co-Debtor _____

Part 1: Payment and Length of Plan

a. The debtor has paid to date \$7,930 and shall send in on July 24th a payment of \$1,200, and then 155 Monthly to the Chapter 13 Trustee, starting on December 1, 2020 for 36 months with last payment on November 31, 2023.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future Earnings
☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property
Description:
Proposed date for completion: _____

☐ Refinance of real property:
Description:
Proposed date for completion: _____

☒ **Loan modification with respect to mortgage encumbering property:**
Description: 33 Beech Street, Elmwood Park, NJ
Proposed date for completion: Permanent Modification
was approved

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☒ Other information that may be important relating to the payment and length of plan:
Debtor is business owner who has severe reduction in income from COVID-19. First mortgage post petition arrears for May, Jun and July included pursuant to a Consent Order with Bank of America for \$6, 262.10 . Due to cure Order for car payment through November 2020, Trustee payments are suspended until December 1st, 2020.

Part 2: Adequate Protection

☒ NONE

a. Adequate protection payments will be made in the amount of _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b.

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Law Office of Ronald I. LeVine	Admin.	1,471.25

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
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Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☐ **NONE**

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
US Bank	First mortgage 33 Beech Street, Elmwood Park	Post petition per consent Order \$6,262.10	0	5,477.10	1,825.70
Bank of America	Second mortgage 33 Beech Street, Elmwood Park	4507.36	0	4507.36	296.

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☐ **NONE**

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Santander Bank	2014 Prius	446.59	0	446.59	302.

c. Secured claims excluded from 11 U.S.C. 506: ☒ **NONE**

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
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d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
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2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☒ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
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f. Secured Claims Unaffected by the Plan ☒ NONE

The following secured claims are unaffected by the Plan:

Creditor

g. Secured Claims to be Paid in Full Through the Plan ☒ NONE

Creditor	Collateral	Total Amount to be Paid through the Plan
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Part 5: Unsecured Claims ☐ NONE

a. **Not separately classified** allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$___ to be distributed *pro rata*
- ☐ Not less than ___ percent
- ☒ *Pro Rata* distribution from any remaining funds

b. **Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
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Part 6: Executory Contracts and Unexpired Leases ☒ **NONE**

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
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Part 7: Motions ☒ **NONE**

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). ☒ **NONE**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
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b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒ **NONE**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
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c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ **NONE**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
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Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) **Ch. 13 Standing Trustee Commissions**
- 2) **Other Administrative Claims**
- 3) **Secured Claims**
- 4) **General Unsecured Claims**

d. Post-Petition Claims

The Standing Trustee ☒ is, ☐ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☒ **NONE**

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: **January 22, 2019**

Explain below why the plan is being modified:	Explain below how the plan is being modified:
To add a three month forbearance on 1st mortgage and delay trustee payment while stip. payment is paid on car cure order	see 1(a) and 4(a)

Are Schedules I and J being filed simultaneously with this Modified Plan? Yes, and a COVID-19 certification is being filed.

☒ Yes

☒ No

Part 10 : Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ **NONE**

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to *Local Form, Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: July 15 2020

/s/ Sujay K. Sinha
Sujay K. Sinha
Debtor

Joint Debtor

Date July 15, 2020

/s/ Ronald I. LeVine

Ronald I. LeVine

Attorney for the Debtor(s)

Certificate of Notice Page 8 of 9

United States Bankruptcy Court
District of New JerseyIn re:
Sujay K. Sinha
DebtorCase No. 19-11506-SLM
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin
Form ID: pdf901Page 1 of 2
Total Noticed: 33

Date Rcvd: Jul 17, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 19, 2020.

db +Sujay K. Sinha, 33 Beech Street, Elmwood Park, NJ 07407-2001
 aty +Aldridge Pite LLP, 4375 Jutland Drive, Suite 200, PO Box 17933,
 San Diego, CA 92177-7921
 cr +Santander Consumer USA Inc., PO Box 961245, Fort Worth, TX 76161-0244
 cr +Specialized Loan Servicing LLC, P.O. Box 340514, Tampa, FL 33694-0514
 517986334 +America's Servicing Company, POB 51119, Los Angeles, CA 90051-5419
 517986335 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bank of America, N.A., POB 982235, El Paso, TX 79998)
 518718666 +Banc of America Funding Corporation, Specialized Loan Servicing LLC,
 8742 Lucent Blvd., Suite 300, Highlands Ranch, CO 80129-2386
 518055996 +Bank of America, N.A., P.O. Box 31785, Tampa, FL 33631-3785
 518028625 +Bank of America, N.A., c/o Jenelle C. Arnold, ALDRIDGE PITE, LLP,
 4375 Jutland Drive, Suite 200, P.O. Box 17933, San Diego, CA 92177-7921
 518053295 Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 517986338 +Firstsource Advantage, LLC, Attn: Capital One Bank, N.A., POB 628, Buffalo, NY 14240-0628
 517986339 +Mazzo Oil Company, 139 Van Winkle Avenue, Ste 2, Garfield, NJ 07026-2966
 517986341 +Midland Funding LLC, Attn: Pressler & Pressler, LLP, 7 Entin Road,
 Parsippany, NJ 07054-5020
 517986343 +Santander Consumer USA, 1601 Elm St., Suite 800, Dallas, TX 75201-7260
 518022963 +Santander Consumer USA Inc., P.O. Box 560284, Dallas, TX 75356-0284
 517986344 +Shefali Sinha, 33 Beech Street, Elmwood Park, NJ 07407-2001
 517986346 +Shesali Sinha, 33 Beech Street, Elmwood Park, NJ 07407-2001
 518147039 +U.S. Bank National Association Trustee (See 410), c/o Specialized Loan Servicing LLC,
 8742 Lucent Blvd, Suite 300, Highlands Ranch, Colorado 80129-2386
 517986347 +US Bank, NA, attn: Phelan, Halinan, Diamond & Jones, 400 Fellowship Road, Suite 100,
 Mount Laurel, NJ 08054-3437

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Jul 18 2020 02:52:28 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Jul 18 2020 02:52:22 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 cr +E-mail/Text: bnc@atlasacq.com Jul 18 2020 02:50:49 Atlas Acquisitions LLC,
 294 Union Street, Attn: Avi Schild, Hackensack, NJ 07601-4303
 cr +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jul 18 2020 02:56:50
 Synchrony Bankc/o PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 518170651 +E-mail/Text: bnc@atlasacq.com Jul 18 2020 02:50:48 Atlas Acquisitions LLC, 294 Union St.,
 Hackensack, NJ 07601-4303
 517986336 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jul 18 2020 02:55:27
 Capital One Bank, N.A., 15000 Capital One Drive, Richmond, VA 23238
 518007403 +E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Jul 18 2020 02:54:45
 Capital One Bank (USA), N.A., 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901
 518031259 E-mail/PDF: resurgentbknofifications@resurgent.com Jul 18 2020 02:54:39 LVNV Funding, LLC,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 517986340 +E-mail/Text: bankruptcydpt@mcmcg.com Jul 18 2020 02:52:22 Midland Credit Management, Inc.,
 POB 2121, Warren, MI 48090-2121
 518060459 +E-mail/Text: bankruptcydpt@mcmcg.com Jul 18 2020 02:52:22 Midland Funding LLC,
 PO Box 2011, Warren, MI 48090-2011
 517986342 +E-mail/Text: bankruptcydpt@mcmcg.com Jul 18 2020 02:52:22 Midland Funding LLC,
 Attn: Credit One Bank, 2365 Northside Drive, Suite 300, San Diego, CA 92108-2709
 518035785 +E-mail/Text: JCAP_BNC_Notices@jcap.com Jul 18 2020 02:52:46 Premier Bankcard, LLC,
 Jefferson Capital Systems LLC Assignee, Po Box 7999, Saint Cloud Mn 56302-7999
 517988195 +E-mail/PDF: gecsed@recoverycorp.com Jul 18 2020 02:54:12 Synchrony Bank,
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 518136774 +E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Jul 18 2020 02:54:44 Verizon,
 by American InfoSource as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901
 TOTAL: 14

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

517986337* ++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285
 (address filed with court: Capital One Bank, N.A., 15000 Capital One Drive,
 Richmond, VA 23238)
 517986345* +Shefali Sinha, 33 Beech Street, Elmwood Park, NJ 07407-2001
 518713062* +U.S. Bank National Association Trustee (See 410), c/o Specialized Loan Servicing LLC,
 8742 Lucent Blvd, Suite 300, Highlands Ranch, Colorado 80129-2386

TOTALS: 0, * 3, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

District/off: 0312-2

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 33

Date Rcvd: Jul 17, 2020

***** BYPASSED RECIPIENTS (continued) *****

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 19, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 16, 2020 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor Banc of America Funding Corporation 2006-5, U.S. Bank National Association, as Trustee dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Gavin Stewart on behalf of Creditor Specialized Loan Servicing LLC bk@stewartlegalgroup.com
John R. Morton, Jr. on behalf of Creditor Santander Consumer USA Inc. ecfmail@mortoncraig.com, mortoncraigecf@gmail.com
Keri P. Ebeck on behalf of Creditor Specialized Loan Servicing, LLC as servicer for Banc America Funding Corporation, 2006-5, U.S. Bank National Association, as Trustee kebeck@bernsteinlaw.com, jbluemle@bernsteinlaw.com
Marie-Ann Greenberg magecf@magtrustee.com
Nicholas V. Rogers on behalf of Transferee WELLS FARGO BANK, N.A. as servicer for U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR BANC OF AMERICA FUNDING CORPORATION 2006-5 nj.bkecf@fedphe.com
Rebecca Ann Solarz on behalf of Creditor Banc of America Funding Corporation 2006-5, U.S. Bank National Association, as Trustee rsolarz@kmlawgroup.com
Robert Wachtel on behalf of Debtor Sujay K. Sinha rwachtel@ronlevinelaw.com, ronlevinelawfirm@gmail.com
Ronald I. LeVine on behalf of Debtor Sujay K. Sinha ronlevinelawfirm@gmail.com, irr72645@notify.bestcase.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 10